

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**SCOTT TURNAGE , CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON,
ISSACCA POWELL, KEITH BURGESS, TRAVIS
BOYD, TERRENCE DRAIN, and KIMBERLY
ALLEN on behalf of themselves and all similarly
situated persons,**

Plaintiffs,

V.

BILL OLDHAM, in his individual capacity as former Sheriff of Shelby County, Tennessee; FLOYD BONNER, JR., in his official capacity as Sheriff of Shelby County, Tennessee; ROBERT MOORE, in his individual capacity as former Jail Director of Shelby County, Tennessee; KIRK FIELDS, in his official capacity as Jail Director of Shelby County, Tennessee; CHARLENE McGHEE, in her individual capacity as former Assistant Chief of Jail Security of Shelby County, Tennessee; REGINALD HUBBARD, in his official capacity as Assistant Chief of Jail Security of Shelby County, Tennessee; DEBRA HAMMONS, in her individual capacity as former Assistant Chief of Jail Programs of Shelby County, Tennessee; TIFFANY WARD in her official capacity as Assistant Chief of Jail Programs of Shelby County, Tennessee; SHELBY COUNTY, TENNESSEE, a Tennessee municipality; TYLER TECHNOLOGIES, INC., a foreign corporation; GLOBAL TEL*LINK CORPORATION, a foreign corporation; SOFTWARE AG USA, INC., a foreign corporation; SIERRA-CEDAR, INC., a foreign corporation, SIERRA SYSTEMS GROUP, INC., a foreign corporation; and TETRUS CORP, a foreign corporation

Defendants.

**DEFENDANTS' MOTION AND SUPPORTING MEMORANDUM FOR LEAVE TO
FILE REPLY IN SUPPORT OF MOTION REQUESTING APPROVAL OF PROPOSED
AMENDED SCHEDULING ORDER**

Come now all Defendants and pursuant to Local Rule 7.2(c) seek leave to file the attached short Reply in Support of Defendants' Motion Requesting Approval of Proposed Third Amended Scheduling Order as follows:

1. On March 2, 2020, Defendants filed their combined Motion and Memorandum in Support Requesting Approval of Proposed Third Amended Scheduling Order ("Motion to Amend Scheduling Order") (Dkt. 288), which succinctly requested that the current Scheduling Order be amended and suggested proposed amended deadlines therein.

2. On March 16, 2020, Plaintiffs filed a 14-page Response in Partial Opposition to Defendants' Motion Requesting Approval of Proposed Third Amended Scheduling Order ("Plaintiffs' Response") (Dkt. 293) which agreed in part and opposed in part Defendants' Motion to Amend Scheduling Order. Specifically, Plaintiffs agree to the deadlines proposed by Defendants but do not agree that merits and class discovery should continue to be bifurcated which heretofore the parties have agreed to, as provided for in each of the previously entered agreed Scheduling Orders.

3. On March 5, 2020, Plaintiffs filed their Motion for a Discovery Conference, to Permit Merits-Based Discovery, to Compel Depositions, and for Sanctions and Fees ("Motion for Discovery Conference") (Dkt. 291), which, among other things, requests that merits and class discovery no longer be bifurcated. Insofar as bifurcation of discovery is concerned, the arguments set out in Plaintiffs' Motion for Discovery Conference (Dkt. 291) and in Plaintiffs' Response to Defendants' Motion to Amend Scheduling Order (Dkt. 293) are essentially the same.

4. Defendants oppose Plaintiffs' request to cease bifurcation of discovery. Arguments in opposition to Plaintiffs' request to permit merits-based discovery, *i.e.*, to cease

bifurcation of merits and class discovery, will be set out in detail in responses to Plaintiffs' Motion for Discovery Conference that Defendants will file on Thursday, March 26, 2020 as per an extension granted by the Court (Dkt. 296).

5. Defendants did not brief the issue of bifurcation in the Motion to Amend Scheduling Order filed on March 2, 2020, which has been referred to Magistrate Judge Pham. This is due to the fact that the issue of bifurcation was not formally raised until Plaintiffs subsequently filed their Motion for Discovery Conference on March 5, 2020, which is currently pending before Judge Mays. Defendants would like the opportunity to address Plaintiffs' arguments that the bifurcation of merits and class discovery should be changed and to submit a Reply to Plaintiff's Response to the Motion to Amend Scheduling Order as set out in the attached Reply (which incorporates the Responses to Plaintiff's Motion for Discovery Conference which will be filed on Thursday, March 26, 2020).

6. Counsel for Plaintiffs have been consulted and they do not oppose the request for leave to submit a Reply.

WHEREFORE PREMISES CONSIDERED, Defendants respectfully request that this Motion for Leave to File a Reply be granted and that they be allowed to file the attached Reply.

Dated: March 23, 2020

Respectfully submitted,

s/ Bradley E. Trammell
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CERTIFICATE OF CONSULTATION

The undersigned hereby certifies that pursuant to Local Rule 7.2, counsel for Plaintiffs have consulted and agreed that they do not oppose the request for leave to submit a Reply. In fact, on March 23, 2020, Al McLean, counsel for Defendants, conferred via email with Frank Watson, counsel for Plaintiffs, and was informed that Plaintiffs do not oppose this Motion.

s/ Bradley E. Trammell

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on March 23, 2020, a true and correct copy of the foregoing document was forwarded via the Court's ECF system and/or by email to:

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s/ Bradley E. Trammell
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